

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: William W. Cimino)	Group Art Unit: 3763
Application No.: 10/600,118)	Examiner: Laura A. Bouchelle
Filed: June 20, 2003)	Confirmation No.: 9143
Atty. File No.: 6613-19 (previously 40206.0019US01))	

For: PRECISION FLUID DELIVERY SYSTEM AND METHOD FOR SURGICAL
PROCEDURES

APPLICANT'S "SUMMARY" OF TELEPHONE INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A telephone interview between the undersigned and Examiner Laura Bouchelle was held on November 10, 2011. In accordance with the requirements for a summary by the applicant, applicant provides the following information about the interview:

1. The undersigned and Examiner Bouchelle discussed the information that Applicant submitted as objective evidence of non-obviousness, namely the declarations of Mr. Dan Goldberger and Dr. Mark Jewell ("Declarations") filed with the Amendment & Response on February 22, 2011, showing a long felt need and copying. More specifically, the undersigned sought clarification of the portions of the Office Action of July 14, 2011 (the "Office Action"), relating to the Declarations especially in the context of the pending claims. (See, e.g., ¶s No. 2 and 3 on pages 2 and 3 of the Office Action and ¶s No. 7, 8 and 11 on pages 3 and 4 of the Office Action.) The undersigned expressed a desire to be apprised of all of the purported deficiencies regarding the declarations so that an adequate response addressing those deficiencies could be prepared and presented to the Patent Office to facilitate efficient prosecution.

2. The undersigned and Examiner Bouchelle discussed the requirements for showing a “long felt need.” Specifically, Examiner Bouchelle reaffirmed the undersigned’s understanding, that to establish a long felt need, information submitted to the Patent Office should demonstrate that a need was recognized by those of ordinary skill in the art, it was a need that occurred for a long period of time, and the need remained unsatisfied until the claimed subject matter was invented.

3. Examiner Bouchelle indicated that the Declarations established that a need was recognized by those of ordinary skill in the art and that it was a need that occurred for a long period of time. Examiner Bouchelle further indicated that she believed that additional information was necessary to establish that the need remained unsatisfied until the claimed subject matter was invented.

4. Examiner Bouchelle mentioned that the systems currently available on the market that were mentioned in the Declarations, did not help to establish that the long felt need remained unsatisfied. The undersigned clarified that the currently available systems were noted to show copying of the claimed subject matter, which is additional, objective evidence of non-obviousness.

5. Examiner Bouchelle also expressed her belief that the scope of the claims did not appear to be commensurate with the statements made in the Declarations. Specifically, Examiner Bouchelle noted that the Declarations referred to Ultrasonic Assisted Lipoplasty (UAL) procedures and breast augmentation. Examiner Bouchelle indicated that these procedures were not necessarily reflected in the claims, i.e., that the claims were not limited to the procedures referenced in the Declarations.

6. The undersigned and Examiner Bouchelle briefly discussed the rejection of claim 10 under 35 U.S.C. § 112, second paragraph. Examiner Bouchelle indicated that the phrase “to a targeted anatomical site” should be used consistently in claim 10.

7. With respect to the references cited to reject the claims, the undersigned generally indicated to Examiner Bouchelle that the references appeared to describe continuous flow systems that did not provide for rapidly delivering and accurately monitoring the delivery of a desired volume of fluid. The undersigned indicated to Examiner Bouchelle that these types of systems have been distinguished from the currently pending claims in prior office action responses.

This summary is not intended to provide an exact transcript of the interview, or a detailed description of all that was discussed. Rather, this summary indicates the subjects that were discussed with Examiner Bouchelle. Also, as noted above, the listing of items in this summary is not intended to reflect the chronological order of the discussion at the interview.

Respectfully submitted,
SHERIDAN ROSS P.C.

Date: November 29, 2011

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